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Supreme Court, U.S.
FILED
JUN 9 - 2005
OFFICE OF THE CLERK

No. 04-1180

*IN THE*

*SUPREME COURT of the UNITED STATES*

**LEO ROGERS DUGAS**

**Petitioner**

**V.**

**CLARON CORPORATION, INC.**

**Respondent**

# PETITION FOR REHEARING

**Leo Rogers Dugas, pro se**
**15311 Hummingbird Lane**
**Baytown, TX 77520**
**Tel. (281) 385-2319**

## Petition for Rehearing

**NOW COMES,** Petitioners and respectfully request the Court to reconsider its decision not to grant their Petition for Writ of Certiorari and would show the Court the following:

That Respondent invoked the jurisdiction of the district court when Respondent perfected its appeal pursuant to 28 U.S.C. § 158(a), seeking to appeal the August 24, 2001 judgment against it.

That Respondent sought *remand* to the bankruptcy court during its perfected appeal.

That Respondent's request for *remand* was deemed a *voluntary motion to dismiss appeal* and was granted as such by the district court, see **ORDER DISMISSING BANKRUPTCY APPEAL** (App. D page 1-2, original petition for writ of certiorari).

That absent *remand,* Respondent's only legal avenue to challenge the **ORDER DISMISSING BANKRUPTCY APPEAL** was an appeal pursuant to 28 U.S.C. § 158(d).

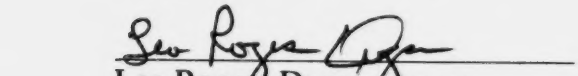
That Respondent chose not to appeal the **ORDER DISMISSING BANKRUPTCY APPEAL.**

Therefore, ***as a matter of law*** the August 24, 2001 judgment in favor of Petitioners that Respondent appealed from remains unaffected by subsequent acts of other courts.

## Prayer

For these reasons Petitioners respectfully request that the Court recognize the legal position of the Petitioner's judgment against Respondent, subsequent to Respondent's *voluntary dismissal of its appeal* of the August 24, 2001 judgment, thereby upholding the laws of the United States.

Respectfully submitted,



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## SUPREME COURT RULE 44 CERTIFICATE

I, Leo Rogers Dugas, do hereby certify that the Petition for Rehearing is presented in good faith and not for delay. This Court's ruling in *Griggs* 459 U.S. 56, 58-61 (1982) stands now as bar to a different position by this Court as to the bankruptcy court's jurisdiction "over the aspects of the case" during an appeal from that court, it had none. Further, 28 U.S.C. § 158(d) was the only avenue left for Respondent when the district court construed Respondent's motion for remand as a motion to voluntarily dismiss appeal. Absent remand by the district court, neither case law nor the laws of the United States provides for a bankruptcy court to *sua sponte* vacate its own judgment once the appeal from that court had been voluntarily dismissed by the appellant, as in this case before the Court.

Because this writer believes that the law should work for all and all of the time, that I have in good faith, filed my Petition for Rehearing.

Respectfully submitted,

Leo Rogers Dugas

Leo Rogers Dugas, pro se